

REMARKS

Entry of the foregoing and favorable reconsideration and reexamination of the subject matter, as amended, pursuant to and consistent with 37 C.F.R. § 112 and in light of the remarks that follow are respectfully requested.

By the present amendment, the specification has been amended to delete the browser-extendable code. Claims 2, 6, 9, 10, 11 and 13 have been amended and claims 16-20 have been added.

Claim 9 is supported at least one pages 4 and 5 of the specification; claim 10 is supported at least on page 11, third paragraph of the specification; claim 13 is supported at least on pages 17-19; claim 16 is supported at least from page 16, last lines to page 17 of the specification; claim 17 has support at least page 20, third paragraph of the specification; claim 18 is supported in the specification in page 14; claims 19 and 20 are supported at least on page 20, third paragraph of the specification.

Thus, Applicant submits that no new matter has been added via these amendments. Entry of the amendments are respectfully requested.

Claims 9 and 10 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 9 has been amended as suggested by the Examiner. Claim 10 has been amended to recite that the polypeptides encoded by said polynucleotide variant "binds β TrCP or RasF1," which are the proteins encoded by SEQ ID NOS:1 and 3. Description of the variants, and methods to obtain such variants are set forth on pages 10 and 11. Therefore, Applicants submit that persons skilled in the art would know from the teachings of the specification that the inventors had possession of the variants at the time of filing of the present application.

Therefore, in view of the above, withdrawal of this rejection is respectfully requested.

Claim 13 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. For the following reasons, this rejection is respectfully traversed.

Applicants respectfully point out that the specification discloses more than one use for the compositions embraced by claim 13, such as to conduct the bait-prey interactions and to express the polynucleotides. These additional uses excluded from the claim on account of the recitation of "pharmaceutical". Clearly, on page 12 of the Action, the Examiner himself has taken the position that a culture medium qualifies as a "pharmaceutically acceptable carrier". Thus, contrary to the allegation set forth in the Office Action, the claimed components are not limited to use in gene therapy.

Such additional methods are enabled by the present specification. Regardless of whether uses of the claimed compositions in gene therapy are enabled or not enabled (and Applicants believe that they are enabled), since at least one use of the claimed compositions is enabled, claim 13 should be enabled. See MPEP 2164.01 (c) ("If multiple uses for claimed compounds or compositions are disclosed in the application, then an enablement rejection must include an explanation, sufficiently supported by the evidence, why the specification fails to enable *each* disclosed use. In other words, if any use is enabled when multiple uses are disclosed, the application is enabling for the claimed invention.") (Emphasis added.)

Claims 2, 9-11 and 13 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicants regard as their invention.

Applicants submit that the current amendments to the claims should render this rejection now moot.

More specifically, claim 2 has been rewritten as suggested by the Examiner. The term "complex" has been replaced by "composition," and the recitation "encoding for the polypeptides" has been deleted.

Claim 9 as amended now recites a nucleic acid comprising a fragment of the sequence designated as SEQ ID No. 1 "or" SEQ ID No 3.

Claim 10 has been amended such all terms have proper antecedent basis.

Claims 11 and 13 have been amended to eliminate confusion as it pertains to the recitation of "vectors".

In view of the foregoing, withdrawal of this rejection is respectfully requested.

Claims 6, 9-11 and 13 have been rejected under 35 U.S.C. § 102(b), as being anticipated by Cenciarelli, et al. (1999).

Cenciarelli teaches a nucleic acid sequence of 2151 base pairs. In contrast, SEQ ID NO:1 designates a nucleic acid sequence of 657 nucleotides, which is less than one-third that size. Claims 6, 11 and 13 have been amended to further define the polynucleotide as "consisting essentially of" SEQ ID NO:1, which Applicants submit serves to exclude nucleotide sequences more than three (3) times the size of SEQ. ID. NO:1. Regarding claims 9 and 10, *Cenciarelli's* sequence is most certainly not a fragment or a variant of SEQ ID NO:1.

Therefore, *Cenciarelli* does not anticipate claims 6, 9-11 and 13. Withdrawal of this rejection is respectfully requested.

Claims 9 and 10 have been rejected under 35 U.S.C. § 102(b), as being anticipated by Entrez nucleotide sequence accession No AF061836. For the following reasons, this rejection is respectfully traversed.

AF061836 has only a 98.2% identity with SEQ ID NO:3. Indeed, some nucleotides differences can be found at positions 1040 and around nucleotides 1620 to 1630 as well as some gaps, for example, at position 1492. In addition, AF061836 does not disclose any fragment of SEQ ID NO:3, nor does it teach a variant of this sequence that, as recited by claim 10, "encodes a polypeptide that binds BTrCP or RasSF1." Hence, this reference cannot be deemed to anticipate claims 9 and 10.

Thus, withdrawal of this rejection is respectfully requested.

From the foregoing, favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 22, 2004

Respectfully submitted,

By Shawn P. Foley
Shawn P. Foley
Registration No.: 33,071
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant